

Notice of Allowability

Application No.

10/762,732

Examiner

Ruth C. Rodriguez

Applicant(s)

SURDAM, CHRISTOPHER

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 19 June 2006.
2. ☒ The allowed claim(s) is/are 5-9 and 12 that will be renumbered 1-6 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin S. Lemack on 31 August 2006.

The application has been amended as follows:

Claim 12, line 4, --when in use enclosing said locking mechanism and securing any excess tie-down strap formed after tensioning said strap with said locking mechanism, said housing-- has been inserted between "housing" and "comprising".

Reasons for allowance

The following is an examiner's statement of reasons for allowance:

For claim 1, Morrison discloses a cargo tie-down system comprising in combination a tie-down strap and a locking mechanism to tension the strap and a housing. The housing secures any excess tie-down strap formed after tensioning the strap with the locking mechanism. The housing comprises a sack having a volume sufficient to the excess tie-down strap and a generally flat housing portion adapted to contain the locking mechanism. The sack is foldable upon the flat portion and

securable thereon when the cargo tie-down system is being stored. Crouch fails to disclose that the housing when in use encloses the locking mechanism after tensioning the strap with the locking mechanism. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have a housing that encloses the locking mechanism with the sack being foldable upon the flat portion and securable thereon when the cargo-tie down system is being used and the strap is tensioned by the locking mechanism.

Regarding claim 12, Morrison discloses a cargo tie-down system comprising in combination a tie-down strap and a locking mechanism to tension the strap and a housing. The housing comprises a central portion to receive the locking mechanism and a sack extending from the central portion. The sack secures any excess tie-down strap formed after tensioning the strap with the locking mechanism. The sack is foldable upon the flat portion and securable thereon when the cargo tie-down system is being stored. Crouch fails to disclose that the housing further comprises a first flap, a second flap and a third flap and that when in use the housing encloses the locking mechanism after tensioning the strap with the locking mechanism. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have a first flap extending from the central portion at an end opposite to the sack, a second flap extending from the central portion adjacent to the first flap, a third flap extending from the central portion and opposite to the second strap where the housing that encloses the locking mechanism by folding and securing the sack, first

flap, second flap and third flap upon the central portion when the cargo-tie down system is being used and the strap is tensioned by the locking mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Saenz (US 4,699,401), Petuese (US 4,878,277), Tsai (US 4,937,920), Smith (US 4,961,251), Butler (US 5,009,346), Fields et al. (US 5,351,370), Dalen (US 5,402,557), Hale (US D 382,995), Williams (US 5,947,354), Powers (US 6,138,331), MacNeil (US 6,318,621 B1), LaCoste (SU 6,651,854 B1) and Gorham, Jr. (US D 489,890 S) are cited to show state of the art with respect to a housing having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

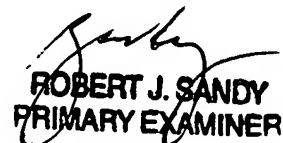
Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
September 4, 2006


ROBERT J. SANDY
PRIMARY EXAMINER